

## **NOTIFICATION OF A CALL-IN UNDER THE PROTOCOL ON THE COUNCIL'S DECISION MAKING PROCESS**

We the undersigned wish to apply the Call-In procedure in respect of the following decision taken by the Cabinet Member for Resources on 7<sup>th</sup> January 2019 -  
Reference number and title of report:- Ref: 13/18 – Review of Council Assets – Ryde/Ventnor Harbours (Notice Published 26<sup>th</sup> November 2018).

Decision –

- (i) To offer the freehold/leasehold of Ryde harbour on the open market with a restrictive covenant that it be only used as a harbour/marina; such covenants to only be removed if an alternative use of the area could generate a significant and sustainable economic benefit to Ryde and/or the Island. Any consideration should include a reversion to allow for any future development of the seafront.
- (ii) To offer the transfer the management of Ventnor Harbour to a third party through the open market at no cost to the council;
- (iii) The final agreed terms of any transfer/outsourcing to a third party be to be the subject of a further decision of the Cabinet, but where no terms are agreed then the council will continue to directly manage the harbour.

**Called-in because** (tick as appropriate):-

- ✓ **Inadequate consultation with stakeholders, partners or the public**
- ✓ **absence of evidence for decision**
- ✓ **decision contrary to policy framework**

**Brief statement supporting reason for call-in :-**

The Council's Constitution – Article 16 on decision-making – 4.6 states:

Where a Cabinet member is taking a delegated decision any question from a member in response to a proposed delegated decision must be responded to before the decision is confirmed provided that such question is received at least 48 hours before published date as to when it is intended to make the decision.

Cllr Lilley wrote to Cllr Hutchinson on the 30<sup>th</sup> December 2018 (Appendix 1) and received no reply which is in contravention of Article 16, 4.6.

Overall, the delegated decision does not reflect the verbal and written statements by the Cabinet Member for Resources in relation to Ryde Harbour. The published concerns and objections of Ryde Residents have not been adequately answered or made referenced to in particular from Cllr Lilley, Ryde Society and Ryde Town Council.

**The Timeframe of Response from Ryde Town Council is as follows:**

1. On 26 November 2018 the Isle of Wight Council Cabinet for Resources published a proposed delegated decision in respect of Ryde and Ventnor Harbours. The Notice of Decision sought representations in respect of the proposals by 4

December 2018.

2. At a Ryde Town Council on 3 December 2018 the Town Council agreed the that the following representation be submitted to the Isle of Wight Council Cabinet Member:

*“Ryde Town Council objects to the recommendations contained in the Delegated Decision Report in regard to Ryde Harbour and asks that the Cabinet Member for Resources attend a public meeting in Ryde to discuss alternative options with the Ryde community within the next two weeks, which should include the option of the Isle of Wight Council selling the Harbour to Ryde Town Council for a £1.”*

3. This representation was submitted to the Isle of Wight Council early on 4 December 2018 and published by the Town Council later that day.

The Ryde Town Council's resolution from 3 December 2018 was acknowledged by Cllr Hutchinson by telephone on 6 December 2018. **No written acknowledgement has been received.**

It was a request that Councillor Hutchinson consider the sale of Ryde Harbour to RTC as an additional option in the Delegated Decision Paper. The Cabinet Member telephoned the Town Council on 6 December 2018 to confirm receipt of this representation. The Cabinet Member then arranged for budget information about the Harbour to be sent to the Town Council and this was circulated to Members in the week commencing 10 December 2018. In addition, a statement from the IWC about the Harbour was sent to the Town Council on 13 December 2018, circulated immediately to Members and published on the Town Council's website.

There have been a number of articles in the press that indicate that the IWC has offered the Harbour to RTC for £1. This may be the case informally but formally the Cabinet Member record of decision makes no mention of this.

The Cabinet Member for Resources replied to Cllr Lilley on the 20<sup>th</sup> December to his email dated (Appendix 2) and the Cabinet Member for Resources stated as follows:

*“As I've said, I think the final decision on any potential sale and if so, to whom should be taken by Cabinet because of the wider Island and Town concerns”*

*“I have no concerns at all about registration as an asset of community value or considering RTC as a preferred purchaser, subject to further talks with them. As you know I've been happy for that to happen with other properties, such as Appley Tower.”*

There is no mention or acknowledgment in the delegated decision that any final decision is to by Cabinet and reference to IWC Council having talks with Ryde Town Council. This admittance is contentious and causes confusion to Ryde Town Council and the Community.

The delegated decision on Ryde Harbour relates to Public Realm land that is part of the Ryde Esplanade. The Esplanade is IW Council Land that is targeted for Regeneration and part of the Council's Regeneration Policy and Programme. There have been several consultation events at Ryde Castle in 2018. At no time did IW Council discuss with residents at these events about Ryde Harbour being sold. The

delegated decision is contrary to plans discussed at these Ryde Regeneration events and there is evidence that the whole esplanade's future including the Harbour were actively discussed with residents, Ryde Town Council, Ryde Society, and other stakeholders as a whole. A consultation commissioned by the IW Council Regeneration Team clearly evidenced that residents and stakeholders wished to see the Ryde Esplanade remain in the public realm and be developed as a public/community space with facilities for the community and tourism. This issue was clearly pointed out to the Cabinet Member for Resources but he has made no reference to the Esplanade Regeneration Programme/Consultation even though he doubles as Cabinet Member responsible for Regeneration in Ryde. There is clear contradictions and conflict of interest between his role as Cabinet Member for Resources and Cabinet Member responsible for Ryde Regeneration. This is referred to in an Email (as published in delegated decision) dated from Stella Davis (Chair of Ryde Society and Councillor Lilley (Appendix 3).

Cllr Lilley emailed on the 9<sup>th</sup> January (Appendix 3) after the delegated decision asking for changes to the decision and he has yet to receive a reply.

I contend the delegated decision is premature and cause unnecessary confusion. It is a contentious issue and needs further scrutiny. There has been contraventions of the constitution, confusion with Council's Regeneration policy, and inadequate consultation.

**Desired outcome:**

1. The delegated decision is rescinded and the matter of the future of Ryde Harbour is referred to Cabinet for any action of decisions.
2. There is a clarification statement that any decision in regard the Harbour has to be within the context of the Regeneration of Ryde Esplanade.
3. No action is taken until Ryde Society and Ryde Town Council have applied for Ryde Harbour to be listed as a Community Asset under the Localism Act 2011.
4. No action is taken until talks with Ryde Town Council have taken place in light of their motion to undertake a feasibility study in taking over the ownership of the Harbour through the sale of the Harbour for £1 by IW Council.

Names of members with signatures (minimum of three required with two being members of the scrutiny committee together with the support of the chairman of the scrutiny committee)

- 1 (Lead Member for the call-in) – Cllr Michael Lilley
- 2 Cllr Ian Stephens
- 3 Cllr Karl Love
- 4 Chairman of the scrutiny committee

Dated 14<sup>th</sup> January 2019